

REMARKS

***Summary of the Amendment***

Upon entry of the above amendment, claim 28 will have been canceled and claims 1, 16 and 18 will have been amended. Accordingly, claims 1-7, 9, 10, 12-25, 29 and 30 will be pending with claims 1, 14, 16, 18 and 29 being in independent form.

***Summary of the Official Action***

In the instant Office Action, the Examiner rejected claims 1-7, 9, 10, 12, 13, 16, 17, 20-25 and 28-30 over the art of record. Finally, the Examiner indicated that claims 14 and 15 were allowed and that claims 18 and 19 contain allowable subject matter and would be allowed if presented in independent form. By the present amendment and remarks, Applicant submits that the rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

***Interview of October 10, 2006***

Applicant appreciates the courtesy extended by the Examiner in the Interview of October 10, 2006.

In the interview, Applicant's representative explained that the Section 112, 1<sup>st</sup> paragraph, rejection was improper because paragraph [0027] provides full and clear support for the feature asserted to be non-compliant with the written description requirement. In response, the Examiner agreed to reconsider this rejection.

Applicant's representative also explained that the prior art rejections of claims 1-7, 9, 10, 12, 13, 29 and 30 were improper because VENEMA does not disclose or suggest that the free end of the tip of the tube is positioned approximately generally level with the free end of the tip of the glue nozzle. In response, the Examiner agreed to reconsider the prior art rejections based on VENEMA.

Applicant's representative also proposed amending claim 16 to recite the features which are not disclosed or suggested by McIntYRE '468. In response, the Examiner agreed to consider any claim amendment which defines the invention over this document.

***The Rejection Under 35 U.S.C. § 112, 1<sup>st</sup> Paragraph, is improper***

Applicant submits that the rejection of claims 1-7, 9, 10, 12, 13, 29 and 30 as failing to comply with the written description is improper.

As explained in the Interview and as was acknowledged by the Examiner, paragraph [0027] of the instant specification provide full and clear support for the language asserted to be unsupported by the written description.

Accordingly, Applicant respectfully requests that the above-noted rejection be withdrawn.

***The Rejection Under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph, is improper***

Applicant submits that the rejection of claims 3 and 28 as being indefinite is improper.

With regard to claim 28, Applicant submits that this basis of rejection is moot  
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inasmuch as claim 28 has been canceled.

With regard to claim 3, Applicant respectfully disagrees that this claim is indefinite by failing to further limit claim 1. Claim 3 clearly recites additional subject matter which is not recited in claim 1 from which it depends and the Examiner has not shown otherwise. While the Examiner apparently accorded little patentable weight to the features of claim 3, such an interpretation, even if reasonable in support of a prior art rejection, cannot *per se* form the basis of an indefiniteness rejection. Applicant reminds the Examiner that indefiniteness is measured from the stand point of one having ordinary skill in the art.

Accordingly, Applicant respectfully requests that the above-noted rejection be withdrawn.

***Traversal of Rejection Under 35 U.S.C. § 102(b)***

*Over Venema*

Applicant traverses the rejection of claims 1-5, 10, 12 and 29 under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 6,267,300 to VENEMA.

The Examiner asserted that this document discloses or suggests all the features recited in these claims including the glue nozzle and the device. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what this document discloses, Applicant submits that this document fails to disclose, or even suggest: inter alia, a glue nozzle coupled to glue reservoir, the glue nozzle comprising a tip having an outlet opening arranged to apply glue to the moving web while the moving web moves along a direction, a

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device that delivers a substance to a region of the outlet opening, the device comprising a tube whose tip is angled to correspond to a tapered portion of the tip of the glue nozzle, whereby the tip of the tube is arranged adjacent the tip of the glue nozzle, *wherein a free end of the tip of the tube is positioned approximately generally level with the free end of the tip of the glue nozzle*, as recited in amended independent claim 1; and inter alia, a glue nozzle comprising a tip having an outlet opening, the glue nozzle being adapted to apply glue through the outlet opening, a feeding device that delivers a substance to a region of the outlet opening, the feeding device being a tube separate from the glue nozzle and whose tip is arranged adjacent the tip of the glue nozzle, the tip of the tube being angled to correspond to a tapered portion of the tip of the glue nozzle, and a free end of the tip of the tube being positioned *approximately generally level with a free end of the tip of the glue nozzle*, as recited in amended independent claim 29.

Applicant acknowledges that VENEMA discloses a fluid applicator which utilizes a fluid spray tip 28 and an air spray tip 32 (see col. 1, line 66 to col. 2, line 5). However, it is clear from the language of col. 2, lines 50-54 that VENEMA does not specifically disclose that the applicator can be used for applying glue to a moving web. Furthermore, as was pointed in the Interview, VENEMA clearly does not disclose, or even suggest, that a free end of the tip of the tube is positioned approximately generally level with the free end of the tip of the glue nozzle. To the contrary, Fig. 1 clearly shows that the tip of the tube 26 is set back from the tip of the nozzle 30.

Applicant also disagrees with the Examiner's assertion that VENEMA "teaches every

positively claimed element of the apparatus” and that certain features relate to intended use. As explained in the Interview, claims 1 and 29 positively recite that a free end of the tip of the tube is positioned approximately generally level with the free end of the tip of the glue nozzle, and this feature is clearly lacking in VENEMA.

Thus, it is clear that VENEMA fails to disclose or even suggest the combination of features recited in at least independent claims 1 and 29, such that the recited arrangement of elements is not disclosed in the prior art of record.

Applicant further notes that, for an anticipation rejection under 35 U.S.C. § 102 to be proper, each element of the claim in question must be disclosed in a single document, and if the document relied upon does not do so, then the rejection must be withdrawn.

Moreover, Applicant submits that dependent claims 2-5, 10 and 12 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper reading of VENEMA discloses or suggests, in combination: that the moving web comprises one of a cigarette paper web in strip form and folding box blanks as recited in claim 2; that the system is arranged on one of a continuous cigarette making machine and a cigarette packing machine as recited in claim 3; that the substance comprises at least one of a substance adapted to liquefy the glue, a low-viscosity fluid, water, and water vapor as recited in claim 4; that the device delivers the substance directly behind the outlet opening relative to the direction as recited in claim 5; that the device is one of arranged directly adjacent to the glue nozzle and arranged to abut the glue nozzle as recited in claim 10; and that the system further comprises a system for

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feeding the substance to the device as recited in claim 12.

Applicant requests that the Examiner reconsider and withdraw the rejection of the above-noted claims under 35 U.S.C. § 102(b).

Over McIntyre '165

Applicant traverses the rejection of claims 16, 17, 20, 23 and 28 under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 4,476,165 to McINTYRE.

The Examiner asserted that this document discloses or suggests all the features recited in these claims including the glue nozzle and the device. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what this document discloses, Applicant submits that this document fails to disclose, or even suggest: inter alia, a method of applying glue to a moving web utilizing a system that includes a glue nozzle coupled to a glue reservoir, the glue nozzle comprising a tip having an outlet opening arranged to apply glue to the moving web, and a device that delivers a substance to a region of the outlet opening, wherein the device is a tube whose tip is arranged adjacent the tip of the glue nozzle and *wherein an internal passage of the tube is smaller than an internal passage of the glue nozzle* as recited in amended independent claim 16.

Applicant acknowledges that McINTYRE '165 discloses a system for applying glue to a moving web which utilizes two nozzle openings 14' and 14" (see Fig. 4). However, there is no apparent disclosure in McINTYRE with regard to a system that includes a glue nozzle coupled to a glue reservoir, the glue nozzle comprising a tip having an outlet

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opening arranged to apply glue to the moving web, and a device that delivers a substance to a region of the outlet opening, wherein the device *is a tube whose tip is arranged adjacent the tip of the glue nozzle*, much less, that *an internal passage of the tube is smaller than an internal passage of the glue nozzle*. To the contrary, McINTYRE utilizes two passages in the fluid passages communicating with openings 14' and 14" are shown in Fig. 4 to be of the same size.

Thus, it is clear that McINTYRE fails to disclose or even suggest the combination of features recited in at least independent claim 16.

Applicant further notes that, for an anticipation rejection under 35 U.S.C. § 102 to be proper, each element of the claim in question must be disclosed in a single document, and if the document relied upon does not do so, then the rejection must be withdrawn.

Moreover, Applicant submits that dependent claims 17, 20, 23 and 28 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper reading of McINTYRE discloses or suggests, in combination: that the substance comprises at least one of a substance adapted to liquefy the glue, a low-viscosity fluid, water, and water vapor as recited in claim 17; that the feeding comprises continuously feeding the substance behind the outlet opening relative to the direction as recited in claim 20; that the method further comprises at least one of regulating the feeding and controlling the feeding as recited in claim 23; and that the method further comprises conveying, after the feeding, the moving web away from the device as recited in claim 28.

Applicant requests that the Examiner reconsider and withdraw the rejection of the above-noted claims under 35 U.S.C. § 102(b).

Over McIntyre '468

Applicant traverses the rejection of claims 16, 21-24 and 28 under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 4,725,468 to McINTYRE.

The Examiner asserted that this document discloses or suggests all the features recited in these claims including the glue nozzle and the device. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what this document discloses, Applicant submits that this document fails to disclose, or even suggest: *inter alia*, a method of applying glue to a moving web utilizing a system that includes a glue nozzle coupled to a glue reservoir, the glue nozzle comprising a tip having an outlet opening arranged to apply glue to the moving web, and a device that delivers a substance to a region of the outlet opening, wherein the device is a tube whose tip is arranged adjacent the tip of the glue nozzle and *wherein an internal passage of the tube is smaller than an internal passage of the glue nozzle* as recited in amended independent claim 16.

Applicant acknowledges that McINTYRE '468 discloses a system for applying glue to a moving web which utilizes two nozzle openings 4' and 4" (see Fig. 2). However, there is no apparent disclosure in McINTYRE with regard to a system that includes a glue nozzle coupled to a glue reservoir, the glue nozzle comprising a tip having an outlet opening arranged to apply glue to the moving web, and a device that delivers a substance to a

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region of the outlet opening, wherein the device *is a tube whose tip is arranged adjacent the tip of the glue nozzle*, much less, that *an internal passage of the tube is smaller than an internal passage of the glue nozzle*. To the contrary, McINTYRE utilizes two passages in the fluid passages communicating with openings 4' and 4" are shown in Fig. 2 to be of the same size.

Thus, it is clear that McINTYRE fails to disclose or even suggest the combination of features recited in at least independent claim 16.

Applicant further notes that, for an anticipation rejection under 35 U.S.C. § 102 to be proper, each element of the claim in question must be disclosed in a single document, and if the document relied upon does not do so, then the rejection must be withdrawn.

Moreover, Applicant submits that dependent claims 17, 21-24 and 28 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper reading of McINTYRE discloses or suggests, in combination: that the substance comprises at least one of a substance adapted to liquefy the glue, a low-viscosity fluid, water, and water vapor as recited in claim 17; that the feeding comprises continuously feeding the substance behind the outlet opening relative to the direction as recited in claim 20; that the feeding comprises intermittently feeding the substance behind the outlet opening relative to the direction as recited in claim 21; that the feeding comprises cyclically feeding the substance behind the outlet opening relative to the direction as recited in claim 22; that the method further comprises at least one of regulating the feeding and controlling the feeding as recited in claim 23; that the method further

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comprises at least one of regulating the feeding on a timely basis and controlling the feeding on a timely basis as recited in claim 24; and that the method further comprises conveying, after the feeding, the moving web away from the device as recited in claim 28.

Applicant requests that the Examiner reconsider and withdraw the rejection of the above-noted claims under 35 U.S.C. § 102(b).

***Traversal of Rejections Under 35 U.S.C. § 103(a)***

***Over Venema alone***

Applicant respectfully traverses the rejection of claim 7 under 35 U.S.C. § 103(a) as unpatentable over VENEMA alone.

The Examiner acknowledged that VENAMA lacks, among other things, the features recited in the above-noted claim. However, the Examiner asserted that such features would have been obvious to one of ordinary skill in the art. Applicant respectfully traverses this rejection.

Notwithstanding the Examiner's assertions as to what VENEMA discloses or suggests, Applicant submits that in addition to failing to anticipate the invention recited in amended independent claim 1, VENEMA also fails to teach or suggest the invention recited in at least dependent claim 7.

Applicant directs the Examiner's attention to the guidelines identified in M.P.E.P. section 2141 which state that "[i]n determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having

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the reference before him to make the proposed substitution, combination, or other modification." *In re Linter*, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972).

As this section clearly indicates, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992)."

Moreover, it has been legally established that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) .... Although a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.' 916 F.2d at 682, 16 USPQ2d at 1432.). See also *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992) (flexible landscape edging device which is conformable to a ground surface of varying slope not suggested by combination of prior art references)."

Additionally, it has been held that "[a] statement that modifications of the prior art to meet the claimed invention would have been 'well within the ordinary skill of the art at the time the claimed invention was made' because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the

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teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993)."

Accordingly, Applicant submits that the Examiner's assertions are baseless and should be withdrawn. Moreover, Applicant notes that the Examiner's asserted modification is not a mere design choice, as the asserted modification would likely necessitate changes in pressure, spray pattern, movement of the device, and other parameters to achieve desired coverage etc. As many other features of VENEMA would likely require modification, Applicant submits the asserted change is more than a mere design choice.

Moreover, Applicant submits that there is no motivation to modify VENEMA in a manner which would render obvious Applicant's invention, and additionally, Applicant submits that there is no motivation or rationale disclosed or suggested in the prior art to modify the applied reference in the manner suggested by the Examiner. The Examiner's opinion does not provide a proper basis for these features or for the motivation to modify this document in the manner suggested by the Examiner. Therefore, Applicant submits that the invention as recited in at least independent claim 1 is not rendered obvious by any reasonable inspection and interpretation of the disclosure of the applied reference.

Furthermore, Applicant submits that dependent claim 7 is allowable at least for the reason that these claims depend from an allowable base claim and because this claim recites additional features that further define the present invention. In particular, Applicant submits that no proper reading or modification of VENEMA discloses or suggests, in combination: that the tube is a capillary as recited in claim 7.

Applicant requests that the Examiner reconsider and withdraw the rejection of the  
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above-noted claims under 35 U.S.C. § 103(a).

Over Venema and Kenderi

Applicant respectfully traverses the rejection of claims 6, 9 and 13 under 35 U.S.C. § 103(a) as unpatentable over VENEMA in view of US Patent No. 4,998,993 to KENDERI et al.

While acknowledging that VENEMA lacks, among other things, any disclosure with regard to the recited types of delivery, the Examiner asserts that KENDERI teaches such features and that it would have been obvious to modify VENEMA in view of KENDERI. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what these documents disclose or suggest, Applicant submits that no proper combination of VENEMA and KENDERI discloses or suggests, inter alia, a glue nozzle coupled to glue reservoir, the glue nozzle comprising a tip having an outlet opening arranged to apply glue to the moving web while the moving web moves along a direction, a device that delivers a substance to a region of the outlet opening, the device comprising a tube whose tip is *angled to correspond to a tapered portion of the tip of the glue nozzle, whereby the tip of the tube is arranged adjacent the tip of the glue nozzle, wherein a free end of the tip of the tube is positioned approximately generally level with the free end of the tip of the glue nozzle*, as recited in amended independent claim 1.

As explained above, Applicant acknowledges that VENEMA discloses a fluid

applicator which utilizes a fluid spray tip 28 and an air spray tip 32 (see col. 1, line 66 to col. 2, line 5). However, it is clear from the language of col. 2, lines 50-54 that VENEMA does not specifically disclose that the applicator can be used for applying glue to a moving web. Furthermore, as was pointed in the Interview, VENEMA clearly does not disclose, or even suggest, that a free end of the tip of tube is positioned approximately generally level with the free end of the tip of the glue nozzle. To the contrary, Fig. 1 clearly shows that the tip of the tube 26 is set back from the tip of the nozzle 30.

KENDERI does not cure the deficiencies of VENEMA. Applicant acknowledges that KENDERI discloses a spraying device which utilizes a blast pipe 9 and an air-jet pipe 11 (see Fig. 1). However, it is clear from the language of col. 1, lines 51-59 that KENDERI does not specifically disclose that the spraying device can be used for applying glue to a moving web. Furthermore, KENDERI clearly does not disclose, or even suggest, that a free end of the tip of tube is positioned approximately generally level with the free end of the tip of the glue nozzle. To the contrary, Fig. 1 clearly shows that the tip of the tube 9 is set back from the tip of the tube 11.

Thus, Applicant submits that the above-noted documents fail to disclose or suggest the features recited in at least amended independent claim 1. Because both applied documents fail to disclose or suggest at least the above-noted features of the instant invention, Applicant submits that no proper combination or modification of these documents can render unpatentable the combination of features recited in at least independent claim 1.

Applicant also disagrees with the Examiner's assertion that VENEMA and KENDERI  
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"teaches every element of the claimed system/apparatus set forth in claim 9" and that certain features relate to intended use. As explained in the Interview, claims 1 and 29 positively recite that a free end of the tip of the tube is positioned approximately generally level with the free end of the tip of the glue nozzle, and this feature is clearly lacking in VENEMA and KENDERL.

Applicant submits that there is no motivation or rationale disclosed or suggested in the art to modify VENEMA in view of KENDERL in the manner asserted by the Examiner. Nor does the Examiner's opinion provide a proper basis for these features or for the motivation to modify these documents, in the manner suggested by the Examiner. Therefore, Applicant submits that the invention as recited in at least independent claim 1 is not rendered obvious by any reasonable inspection of these disclosures.

Furthermore, Applicant submits that dependent claims 6, 9 and 13 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper combination of VENEMA and KENDERL discloses or suggests, in combination: that the device is adapted to deliver the substance in the form of spots as recited in claim 6; that the device is arranged at a distance "d" from the glue nozzle as recited in claim 9; and that the system for feeding the substance regulates an amount of the substance which is applied to the moving web as recited in claim 13.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the above-noted rejection under 35 U.S.C. § 103(a) and indicate that this claim is allowable

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over the applied art of record.

Over Venema with Kenderi and Warning, Sr.

Applicant respectfully traverses the rejection of claim 30 under 35 U.S.C. § 103(a) as unpatentable over VENEMA in view of KENDERI and further in view of US Patent No. 4,013,037 to WARNING, Sr. et al.

While acknowledging that VENEMA and KENDERI lack, among other things, the features of claim 30, the Examiner asserts that WARNING teaches such features and that it would have been obvious to modify VENEMA/KENDERI in view of WARNING. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what these documents disclose or suggest, Applicant submits that no proper combination of VENEMA with KENDERI and WARNING discloses or suggests, inter alia, a glue nozzle comprising a tip having an outlet opening, the glue nozzle being adapted to apply glue through the outlet opening, a feeding device that delivers a substance to a region of the outlet opening, the feeding device being a tube separate from the glue nozzle and whose tip is arranged adjacent the tip of the glue nozzle, the tip of the tube being angled to correspond to a tapered portion of the tip of the glue nozzle, and a free end of the tip of the tube being positioned *approximately generally level with a free end of the tip of the glue nozzle*, as recited in amended independent claim 29.

As explained above, Applicant acknowledges that VENEMA discloses a fluid applicator which utilizes a fluid spray tip 28 and an air spray tip 32 (see col. 1, line 66 to {P24819 00068985.DOC})



col. 2, line 5). However, it is clear from the language of col. 2, lines 50-54 that VENEMA does not specifically disclose that the applicator can be used for applying glue to a moving web. Furthermore, as was pointed in the Interview, VENEMA clearly does not disclose, or even suggest, that a free end of the tip of tube is positioned approximately generally level with the free end of the tip of the glue nozzle. To the contrary, Fig. 1 clearly shows that the tip of the tube 26 is set back from the tip of the nozzle 30.

Again, KENDERI does not cure the deficiencies of VENEMA. Applicant acknowledges that KENDERI discloses a spraying device which utilizes a blast pipe 9 and an air-jet pipe 11 (see Fig. 1). However, it is clear from the language of col. 1, lines 51-59 that KENDERI does not specifically disclose that the spraying device can be used for applying glue to a moving web. Furthermore, KENDERI clearly does not disclose, or even suggest, that a free end of the tip of tube is positioned approximately generally level with the free end of the tip of the glue nozzle. To the contrary, Fig. 1 clearly shows that the tip of the tube 9 is set back from the tip of the tube 11.

WARNING does not cure the deficiencies of VENEMA and KENDERI. Applicant acknowledges that WARNING discloses a glue spraying device which utilizes a liquid nozzle and an air nozzle (see Fig. 2). However, WARNING does not appear to disclose, or even suggest, that a free end of the tip of tube is positioned approximately generally level with the free end of the tip of the glue nozzle.

Thus, Applicant submits that the above-noted documents fail to disclose or suggest the features recited in at least amended independent claim 29. Because both applied documents fail to disclose or suggest at least the above-noted features of the instant

invention, Applicant submits that no proper combination or modification of these documents can render unpatentable the combination of features recited in at least independent claim 29.

Applicant submits that there is no motivation or rationale disclosed or suggested in the art to modify VENEMA in view of KENDERI and WARNING in the manner asserted by the Examiner. Nor does the Examiner's opinion provide a proper basis for these features or for the motivation to modify these documents, in the manner suggested by the Examiner. Therefore, Applicant submits that the invention as recited in at least independent claim 29 is not rendered obvious by any reasonable inspection of these disclosures.

Furthermore, Applicant submits that dependent claim 30 is allowable at least for the reason that this claim depends from an allowable base claim and because this claim recites additional features that further define the present invention. In particular, Applicant submits that no proper combination of VENEMA, KENDERI and WARNING discloses or suggests, in combination: a method of applying glue to a moving web utilizing the system of claim 29, wherein the method comprises applying the glue onto a moving web while the moving web moves along a direction, feeding the substance behind the outlet opening relative to the direction, and regulating an amount of the substance which is applied to the moving web in the region of the outlet opening as recited in claim 30.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the above-noted rejection under 35 U.S.C. § 103(a) and indicate that this claim is allowable over the applied art of record.

Over McIntyre '468 and McIntyre '204

Applicant respectfully traverses the rejection of claim 25 under 35 U.S.C. § 103(a) as unpatentable over US Patent No. 4,725,468 to McIntYRE in view of US Patent No. 3,595,204 to McIntYRE.

While acknowledging that McIntYRE '468 lacks, among other things, any disclosure with regard to the recited features of claim 25, the Examiner asserts that McIntYRE '204 teaches such features and that it would have been obvious to modify McIntYRE '468 in view of McIntYRE '204. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what these documents disclose or suggest, Applicant submits that no proper combination of McIntYRE '468 and McIntYRE '204 discloses or suggests, inter alia, a method of applying glue to a moving web utilizing a system that includes a glue nozzle coupled to a glue reservoir, the glue nozzle comprising a tip having an outlet opening arranged to apply glue to the moving web, and a device that delivers a substance to a region of the outlet opening, wherein the device is a tube whose tip is arranged adjacent the tip of the glue nozzle and *wherein an internal passage of the tube is smaller than an internal passage of the glue nozzle* as recited in amended independent claim 16.

As explained above, Applicant acknowledges that McIntYRE '468 discloses a system for applying glue to a moving web which utilizes two nozzle openings 4' and 4" (see Fig. 2). However, there is no apparent disclosure in McIntYRE '468 with regard to a system that includes a glue nozzle coupled to a glue reservoir, the glue nozzle comprising a tip having an outlet opening arranged to apply glue to the moving web, and a device that

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delivers a substance to a region of the outlet opening, wherein the device *is a tube whose tip is arranged adjacent the tip of the glue nozzle*, much less, that *an internal passage of the tube is smaller than an internal passage of the glue nozzle*. To the contrary, McINTYRE '468 utilizes two passages in the fluid passages communicating with openings 4' and 4" are shown in Fig. 2 to be of the same size.

McINTYRE '204 does not cure the deficiencies of McINTYRE '468. Applicant acknowledges that McINTYRE '204 discloses a system for applying glue to a material which utilizes a nozzle (see Fig. 2). However, there is no apparent disclosure in McINTYRE '204 with regard to a system that includes a glue nozzle coupled to a glue reservoir, the glue nozzle comprising a tip having an outlet opening arranged to apply glue to the moving web, and a device that delivers a substance to a region of the outlet opening, wherein the device *is a tube whose tip is arranged adjacent the tip of the glue nozzle*, much less, that *an internal passage of the tube is smaller than an internal passage of the glue nozzle*. To the contrary, McINTYRE '204 utilizes two passages 9 and 9' of the same apparent size which communicating with the nozzle.

Thus, Applicant submits that the above-noted documents fail to disclose or suggest the features recited in at least amended independent claim 16. Because both applied documents fail to disclose or suggest at least the above-noted features of the instant invention, Applicant submits that no proper combination or modification of these documents can render unpatentable the combination of features recited in at least independent claim 16.

Applicant submits that there is no motivation or rationale disclosed or suggested in the art to modify McINTYRE '468 in view of McINTYRE '204 in the manner asserted by the Examiner. Nor does the Examiner's opinion provide a proper basis for these features or for the motivation to modify these documents, in the manner suggested by the Examiner. Therefore, Applicant submits that the invention as recited in at least independent claim 1 is not rendered obvious by any reasonable inspection of these disclosures.

Furthermore, Applicant submits that dependent claim 25 is allowable at least for the reason that this claim depends from an allowable base claim and because this claim recites additional features that further define the present invention. In particular, Applicant submits that no proper combination of McINTYRE '468 in view of McINTYRE '204 discloses or suggests, in combination: that the method further comprises at least one of regulating the feeding on a quantity basis and controlling the feeding on a quantity basis as recited in claim 25.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the above-noted rejection under 35 U.S.C. § 103(a) and indicate that this claim is allowable over the applied art of record.

***Acknowledgment of Allowable Subject Matter***

Applicant acknowledges and appreciates the Examiner's indication that claims 14 and 15 are allowed and that claims 18 and 19 contain allowable subject matter and would be allowable if presented in independent form. As claim 18 is herein being presented in independent, Applicant requests that claim 18 be indicated to be allowed. However, at this

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time, Applicant is not presenting claim 19 in independent form.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicant's invention, as recited in each of the pending claims. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate. Authorization is hereby given to refund excess payments and charge any additional fee necessary to have this paper entered to Deposit Account No. 19-0089.

Respectfully submitted,  
D. JANZ et al



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